## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JANICE KUMM and DEANN KUMM, individually and as co-personal representatives of the ESTATE OF GAYLORD KUMM; BEN KUMM; GLEN R. KUMM; and STARR KUMM n/k/a Starr Wallace,

CASE NO. 8:08CV368

ORDER ON STIPULATION OF DISMISSAL

Plaintiffs,

٧.

PHOENIX LIFE INSURANCE COMPANY and PHL VARIABLE INSURANCE COMPANY,

Defendants.

This matter is before the Court on the Parties' Stipulation of Dismissal, filed pursuant to pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). (Filing No. 132). Being fully advised, the Court will dismiss this action with prejudice, with each party to bear its own costs and attorneys fees.

## **ACCORDINGLY, IT IS ORDERED that:**

This action and all claims or counterclaims that were brought or could have been brought is dismissed with prejudice with each party to bear its own costs and attorneys' fees.

Dated this 30<sup>th</sup> day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon Chief District Judge Prepared and Submitted by:

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